

HOUSE BILL 476

By Curtiss

AN ACT to amend Tennessee Code Annotated, Section 55-10-406, relative to force used to test bodily fluid.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-406(f)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(f)

(1) If a law enforcement officer has probable cause to believe that the driver of a motor vehicle involved in an accident resulting in the injury or death of another has committed a violation of 55-10-401, 39-13-213(a)(2), or 39-13-218, the officer shall cause the driver to be tested for the purpose of determining the alcohol or drug content of the driver's blood. The law enforcement officer may use reasonable force to cause the driver to be tested. The test shall be performed in accordance with the procedure set forth in this section and shall be performed regardless of whether the driver does or does not consent to the test.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.